



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No 8000169/2023

Held in Edinburgh on 7 June 2023

Employment Judge: M Sutherland

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Ciara MacDonald

**Claimant
No appearance**

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Edinburgh Leisure

**Respondent
Represented by
Mr S Milligan, Solicitor**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the Tribunal is that the claim is dismissed under Rule 47 of the
20 Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 for
failure to attend or be represented at the case management hearing.

REASONS

1. The claimant had presented complaints of disability discrimination.
2. A Case Management Hearing was listed for today at 11am by telephone to
25 discuss further procedure.
3. On 14 April 2023 the Claimant was advised that a Case Management
Preliminary Hearing ('CMPH') would take place on 14 June 2023 to determine
further procedure. The claim is wholly lacking in specification of her
complaints. The Claimant was advised of the requirement to complete an
30 agenda but failed to do so. On 17 May that hearing was cancelled and parties
were asked to advise their availability. A reminder was issued to the Claimant
on 25 May. The Claimant replied advising that she had secured new

employment but indicating that she could make herself available on any date. On 2 June parties were advised that the CMPH would be heard on 7 June at 11 am. On 6 June the Respondent provided the Claimant with an agenda and expressly reference the hearing on 7 June.

- 5 4. The tribunal clerk made a number of attempts to contact the claimant by both email and telephone on the morning of the hearing. There was no response from the Claimant.
5. The Respondent made an application for dismissal of the claim under Rule 47 for failure to attend.

10 **Relevant law**

6. Rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (“ET Rules”) provides that if a party fails to attend or be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, the Tribunal shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence.
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Discussion and decision

7. Considering the information available I noted that: the claim is very brief and the complaints are wholly lacking in specification; the Claimant had not provided the agenda as requested; the Claimant had indicated her availability to attend any hearing in June; today’s hearing had been arranged at relatively short notice (5 days); following receipt of notice of the hearing the Claimant had not advised of any difficulty in attending today’s hearing; the Claimant was reminded of the date of the hearing by the Respondent; the Tribunal tried to contact the Claimant on the morning of the hearing by telephone and by email without success; and the Claimant made no contact with the Tribunal on the day of the hearing.
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8. Taking into account the overriding objective within the ET Rules, and all the information available to me, it is considered fair and just in the circumstances of this case that the claim be dismissed in its entirety.
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9. The claimant has a right to seek a reconsideration of this decision in the interests of justice under rules 70 and 71 of the ET Rules within 14 days of the issue of this judgment to parties. However, such a reconsideration would be subject to proper explanation being provided to the Tribunal for the
- 5 claimant's failure to either attend or seek a postponement of today's hearing.

Employment Judge: M Sutherland
Date of Judgment: 07 June 2023
Entered in register: 07 June 2023
and copied to parties